

MISSISSIPPI DEPARTMENT OF AGRICULTURE AND COMMERCE
Bureau of Regulatory Services
Consumer Protection Division

Catfish Labeling Regulations

1. DEFINITIONS:

- (a) Catfish – means any species within the family Ictaluridae. No other fish may be sold, labeled, distributed, advertised, or marketed under the name “catfish.”
- (b) Farm-raised – The term farm-raised means any fish including fillets, steaks, nuggets and any other flesh from a fish that has specifically been produced under controlled environments according to the usual and customary techniques of commercial aquaculture.
- (c) Imported Catfish – means any species within the family Ictaluridae raised outside of the United States. No other fish may be sold, labeled, distributed, advertised or marketed under the name “imported catfish”.

2. LABELING INFORMATION:

- (a) In general. All persons who sell catfish products in all forms including individual product, packaged product and bulk product, must label the catfish in English with information identifying it as from the United States of America or as Imported. The label must also identify the method of production of the catfish, i.e., farm-raised, river or lake, catfish. The term “wild caught” may be substituted for river or lake catfish. Additional labels in other languages are permissible as long as the requirements of these regulations are met.
- (b) Mississippi or United States of America catfish products. Labels on catfish products must say “Farm-Raised Catfish, A Product of Mississippi,” “Farm-Raised Catfish A Product of the United States” or “Farm-Raised USA Catfish.” However, the appropriate State or “America(n)” may be inserted in lieu of USA. Mississippi or USA must be printed in the same size, color and type lettering as catfish.
- (c) Imported catfish products. Labels on catfish products from countries outside of the United States of America must say “Imported Catfish” and list the appropriate country in addition to the method of production that is required by the United States Agriculture Marketing Act of 1946. Imported must directly precede or follow the word catfish in all labeling and marketing information and must be printed in the same size, color and type lettering as catfish. The following are some acceptable examples: “Farm-Raised, Imported Catfish” or “River or Lake Imported Catfish”. The term “wild-caught” may be substituted for “river or lake” as provided for in the United States Agricultural Marketing Act of 1946. In addition, the method of production must be in the same locations on the labeling as the words “Imported Catfish” and the same type set to prevent the labeling from misleading the consumer.

- (d) Submission of labels to the department. If requested, the department will review a label or facsimile label, for compliance prior to the product being introduced into the Mississippi Channels of Trade.

3. LOCATION OF LABELING INFORMATION:

- (a) In general. The information required by section 2 must be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the catfish product or on the package, display, holding unit, or bin containing the catfish product at the final point of sale.
- (b) Labeled catfish. If the catfish is already individually labeled for retail sale regarding country of origin in a manner that complies with section 2 by the processor or distributor, the person selling the catfish shall not be required to provide any additional information.
- (b) River of Lake catfish. Any person selling river or lake catfish exclusively and directly to the consumer may have a sign on his premises identifying such product rather than label each container or package as provided in subsection (a) above. The term “wild caught” may be substituted for river or lake catfish.

- 4. **SIGN REQUIREMENTS.** If a placard or sign is used on a display, holding unit or bin as permitted in section 3, the sign must be in a prominent position so that the consumer can easily view it. All signs must be placed in such a way that consumers can distinguish which fish the sign is identifying. If a person sells only catfish from one country, one sign stating that fact will suffice as long as it meets the other sign requirements in this section.

- 5. **RECORD KEEPING REQUIREMENTS AND RESPONSIBILITIES.** The Commissioner of Agriculture and Commerce may require any person that prepares, stores, handles, or distributes catfish for retail sale to maintain a verifiable record keeping audit trail that will permit the Commissioner to verify compliance with the Catfish Labeling Law. All records must be legible and maintained in either electronic or hard copy formats. As such, records and other documentary evidence to substantiate origin declarations and designations of wild and/or farm-raised are necessary in order to provide retailers with credible information on which to base origin declarations. Any person engaged in the business of supplying catfish to a retailer, whether directly or indirectly (i.e., harvesters, producers, distributors, handlers, etc.), must make available information to the subsequent purchaser about the country(s) of origin and method(s) of production (wild and/or farm-raised). This information may be provided either on the product itself, on the master shipping container, or in a document that accompanies the product through retail sale provided it identifies the product and its country(s) of origin and method(s) of production, unique to that transaction by means of a lot number or other unique identifier. Any person engaged in the business of supplying catfish to a retailer, whether directly or indirectly, must maintain records to establish and identify the immediate previous source (if applicable) and immediate subsequent recipient of the catfish, in such a way that identifies the product unique to that transaction by means of a lot number or other unique identifier, for a period of 1 year from the date of the transaction. In addition, the supplier of the catfish that is responsible for initiating a country of origin declaration and method of production (wild and/or farm-raised) designation must possess records necessary to substantiate the claim. For imported catfish determined by the US Customs and Border

Protection (CBP), the importer must ensure that records: provide clear product tracking from the U.S. port of entry to the immediate subsequent recipient and accurately reflect the country(s) of origin and method(s) of production (wild and/or farm-raised) identified in relevant CBP entry documents and information systems; and maintain such records for a period of 1 year from the date of the transaction. Any intermediary supplier (i.e., not the supplier responsible for initiating a country of origin declaration and method of production (wild and/or farm-raised) designation) handling a covered commodity that is found to be designated incorrectly for country of origin and/or method of production (wild and/or farm-raised) shall not be held liable for a violation of the Act by reason of the conduct of another if the intermediary supplier could not have been reasonably expected to have had knowledge of the violation. Retailers also have record keeping responsibilities. Records and other documentary evidence relied upon at the point of sale by the retailer to establish a product's country(s) of origin and method(s) of production (wild and/or farm-raised), or, if applicable, date of harvest or capture designation, must be available during normal business hours to any duly authorized representatives of the Commissioner for as long as the product is on hand. For pre-labeled products (i.e., labeled by the manufacturer/first handler) the label itself is sufficient evidence on which the retailer may rely to establish a product's origin and method(s) of production (wild and/or farm-raised). Records that identify the retail supplier, the product unique to that transaction by means of a lot number or other unique identifier, and for products that are not pre-labeled, the country of origin and method of production (wild and/or farm-raised) information must be maintained for a period of 1 year from the date the origin declaration is made at retail. Such records may be located at the retailer's point of distribution, warehouse, central offices, or other off-site location. Any retailer handling catfish that is found to be designated incorrectly as to country of origin and/or the method of production (wild and/or farm-raised) shall not be held liable by reason of the conduct of another if the retailer could not have been reasonably expected to have had knowledge of the violation.

(Adopted 2005.)